



U.S. COMMODITY FUTURES TRADING COMMISSION

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Division Of Enforcement

December 3, 2024

VIA CM/ECF

Magistrate Judge Peggy Kuo
United States Courthouse
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Commodity Futures Trading Commission v. Fisher Capital, LLC et al.*,
1:23-cv-3121-CBA-PK**

Dear Judge Kuo:

This letter constitutes the parties' joint report on the status of discovery in the above action, as requested by the Court.

The parties have conducted the following discovery and related activities:

- Plaintiff and Defendants have served Interrogatories on each other, and have served answers to those Interrogatories;
- Plaintiff and Defendants have served Requests for Production of Documents on each other, and have served responses to those document requests;
- The parties submitted a consent proposed Protective Order to the Court, and the Court entered that Order on October 23, 2024;
- The parties have produced documents in response to each other's Requests for Production, and are continuing to produce documents on a rolling basis; and
- Counsel have had two meet and confer sessions regarding discovery responses, on November 1 and November 20, and are continuing to work cooperatively in that regard. If the issues are not resolved, the parties will seek Court involvement.

Counsel for Defendants has reviewed this letter and concurs with its contents.

Respectfully submitted,

/s/ Jacob Mermelstein

Jacob Mermelstein

Trial Attorney

Commodity Futures Trading Commission

